

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Crl.MC.No. 2740 of 2005()

CC.331/2003 of JUDL.MAGISTRATE OF FIRST CLASS COURT, KUTHUPARAMBA
.....

PETITIONER: (3RD ACCUSED):

D. RAMA MOORTHY,
MANAGING DIRECTOR, S.S.D. OIL MILLS COMPANY LTD.,
REGISTERED OFFICE AT NO.132, VILLAGE ROAD,
IYAPPAN THANGAL, CHENNAI-56.

BY ADV. SRI.T.SETHUMADHAVAN

RESPONDENTS: (COMPLAINANT):

1. FOOD INSEPECTOR,
THALASSERY CIRCLE, THALASSERY-670 101.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKUALM.

R2 BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.P.BALACHANDRAN, J.

.....
Crl. M.C. No.2740 of 2005
.....

Dated this the 8th day of October, 2007.

ORDER

The additional third accused who is the manufacturer of the food item that is alleged to be adulterated and who has been impleaded invoking the power of the court under Section 20A of the Prevention of Food Adulteration Act, is the petitioner. His contention is that the power under Section 20A of the Food Adulteration Act can be invoked only at the stage of trial and not prior thereto. The stage of trial begins where the stage under Section 251 of the Code of Criminal Procedure ends. The petitioner has no case that the stage under Section 251 of the Code of Criminal Procedure is not over and there is no whisper in the petition that the plea of accused numbers 1 and 2 is or is not recorded. If at all the plea of accused numbers 1 and 2 is recorded and the case has reached the stage of adducing evidence under Section 254(1), the invoking of power under Section 20A of the Prevention of Food Adulteration Act by the court cannot be faulted. Accused numbers 1 and 2 are not made parties in this Criminal M.C. and behind their back no orders can be passed which would be adverse to them. In the result, without prejudice to the petitioner approaching this court

afresh, if at all the impleadment has been made invoking power under Section 20A of the Prevention of Food Adulteration Act before reaching the stage of Section 254(1) Cr. P.C., this Criminal M.C. is dismissed.

K.P.BALACHANDRAN
Judge

pms